



Montana Fish, Wildlife & Parks

Region Four Headquarters
4600 Giant Springs Road
Great Falls, MT 59405
January 22, 2008

Decision Notice Draft Environmental Assessment North Shore Missouri River Conservation Easement

Description of Proposed Action

On December 18, 2007, Montana Fish, Wildlife and Parks (FWP) published an Environmental Assessment (EA) for public review regarding a proposed Conservation Easement on 5-acres of privately owned land on the North Shore of the Missouri River across from the Lewis & Clark National Historic Trail Interpretive Center and Giant Springs State Park.

The subject property is owned by the Lewis & Clark Interpretive Center Foundation (Foundation). The easement would protect the property from residential and industrial development in perpetuity while retaining the visual, conservation, historic, cultural, and recreational values associated with the historic Missouri River corridor in the Great Falls area.

The property is adjacent to the Lewis & Clark Heritage Greenway, which extends over 14 miles of Missouri River frontage in and adjacent to the City of Great Falls, Montana. The Greenway has been assembled over many years and now includes Giant Springs State Park, Montana Fish, Wildlife & Parks Region 4 Headquarters, Lewis & Clark National Historic Trail Interpretive Center, Sacagawea (Sulphur) Spring, the Lewis and Clark Heritage Greenway Conservation Easement, and some 15 miles of public trail system along the Missouri River owned and/or managed by FWP. Only a few vital gaps remain to be filled in this highly regarded public trail system known as the River's Edge Trail and the subject property encompasses one of those gaps.

Overall, the Foundation wishes to conserve the open space, conservation and recreational values of the land. In that light, the proposed conservation easement prohibits any use or activity contrary to the conservation values of the land such as, subdivision of the land for any purpose, residential development, cultivation or farming; exploration or development for extraction of minerals, coal, hydrocarbons, soils or other materials by any surface mining method; dumping or disposal of wastes; use of recreational motorized vehicles; and any commercial or industrial use.

The easement would be purchased from the Foundation with Community Transportation Enhancement Program (CTEP) funds administered by the City of Great Falls. The purchase price of the easement would be determined by an appraisal of the encumbered property. Presented with the opportunity of a conservation easement on

this property, FWP believes the proposed project is a worthy endeavor for all parties directly involved, the public, and the overall conservation and recreational values in the Missouri River corridor.

Public Comments

The Draft Environmental Assessment was posted by FWP for public comment from December 18, 2007 through January 11, 2008. The following comments were received, both of which supported FWP's proposed action:

- 1) *"The City of Great Falls strongly supports the acquisition of a conservation easement on the north shore of the Missouri River, adjacent to the Lewis and Clark Heritage Greenway Conservation Easement and within the primary viewshed of Giant Springs State Park and the Lewis and Clark Interpretive Center.*

This acquisition would create a number of benefits and opportunities, including enhancement of public access to the North Shore trail system by allowing for future extension of River's Edge Trail. Enhanced access to the Missouri River will also greatly benefit the public, as well as permanently protecting the land in its natural state, free from development.

We can see no negative and only positive impacts resulting from the acquisition of the proposed conservation easement and subsequent management of the easement by Montana Fish, Wildlife and Parks."

Benjamin Rangel
City of Great Falls Planning Director

- 2) *"After fifteen years of consternation and worry, it is a relief to know the land along the north shoreline of the Missouri River from the Lewis and Clark National Historic Trail Interpretive Center and Giant Springs State Park will be protected from subdivision and housing development. This success is attributed to the dedicated help from members of local, state, and federal government and many private partners. Thank you for being part of this important endeavor.*

I am pleased to hear Montana Fish, Wildlife and Parks is working with our partners, the Lewis and Clark Interpretive Center Foundation to develop a Conservation Easement for a portion of these lands. Those who serve on the Foundation's board are committed to the mission of the Interpretive Center and have made great strides in the last ten years. I trust you have found your dealings with them to be professional and honest.

I wish you the best of luck with the progress of completing this Easement project."

JANE WEBER
Center Director

Decision

Based on the analysis in the EA, along with public comments received, Montana Fish, Wildlife & Parks has decided to proceed with Alternative A as stated in the draft Environmental Assessment. Through this alternative, FWP would hold and administer a purchased conservation easement from the Lewis & Clark Interpretive Center Foundation.

A conservation easement on this property will enhance open space and viewshed values and ensure public access to natural areas for hiking, biking, and walking along the Missouri River. The enhanced public access to the north shore area will ensure it remains a point of interest for out-of-state visitors and Montana residents in perpetuity.

With this alternative, the Department would not incur costs associated with the acquisition of the easement, as that purchase would be completed with Community Transportation Enhancement Program funds administered by the Montana Department of Transportation through the City of Great Falls, MT. Additionally, FWP would not incur any obligations for maintenance of the property, as it would remain in private ownership. At a future date it's possible that the property could be donated to the Department.

The community of Great Falls, tourists, outdoor recreationists, and wildlife would feel the benefits of the proposed conservation easement. The property is located in the primary viewshed of the Lewis & Clark Interpretive Center, River's Edge Trail, and Giant Springs State Park.

Recreational opportunities would be enhanced as the proposed north shore extension of the River's Edge Trail is planned across this property, which is consistent with the intent and context of the easement language. The River's Edge Trail is a very popular destination for outdoor enthusiasts and is considered a valuable community asset. Additionally, the easement will provide habitat conservation for game and non-game species using the property on a permanent and transitory basis.

Under, the proposed conservation easement the Foundation would retain ownership of the property, the right to regulate public use of the land, the right to fence, gate and post the land with signs and boundary monuments, and the right to engage in habitat, species, or public use enhancement or restoration activities that further the goals of maintaining or improving the conservation values of the easement. Public access would be allowed and appropriate recreational facilities may be provided in the future.

I have reviewed the EA and applicable laws, regulations, and policies and have determined that this action will not have a significant effect on the human environment. Therefore, an Environmental Impact Statement will not be prepared.

This action is pending final approval by the Fish, Wildlife and Parks Commission. Upon approval, a deed of Conservation Easement will be filed in Cascade County, MT.

This action is subject to appeal, which must be submitted to the FWP Director in writing, and postmarked within 30 days of the date of this decision notice. The appeal must specifically describe the basis for the appeal, explain how appellant has previously commented to the Department or participated in the decision-making process, and lay out how FWP might address the concerns in the appeal.

If you have questions regarding this decision notice, or the final EA, please direct requests and questions to: Mr. Gary Bertellotti, Region Four Supervisor, 4600 Giant Springs Road, Great Falls, MT 59405, (406) 454-5840.

/S/

Gary Bertellotti
Region 4 Supervisor

1/28/2008

Date